

REMARKS

Claims 1-62 are currently pending in this application and were subject to an Election of Species Requirement. Claims 7, 20, 32, 45 and 57 have been amended to correct a typographical error (dialkyl phosphate) and to recite “wherein said alkyl phosphate is a monoalkyl phosphate ... and a dialkylphosphate ...”. Support for the amended claims may be found in the specification, as originally filed, *inter alia* at ¶ [0022], which describes the use of mixed monoalkyl and dialkyl phosphates. Additional support may be found in “Alkyl / Aryl Phosphate Technical Information Safety & Handling Bulletin” (AAPS&H) IsleChem, LLC, a manufacturer of certain alkyl- and aryl- phosphates, which is submitted concurrently with the IDS filed with this Response.

The AAPS&H on page 1 indicates that the final product of phosphoric anhydride and an alcohol to form alkyl / aryl phosphates “generally contains approximately equimolar quantities of monoalkyl/aryl and dialkyl/aryl acid phosphates.” (Emphasis added).

For example, amyl acid phosphate is a mixture of phosphoric acid monopentyl ester and dipentyl ester. *See* AAPS&H, p. 2. Amyl acid phosphate is an alkyl phosphate exemplified in Examples 1A and 1C of the present specification. No new matter has been added. Accordingly, claim 1-62, as amended, will be pending.

Informal Teleconference with the Examiner

Applicant thanks the Examiner for an informal telephone discussion on July 14, 2010 with Applicant’s representative, Elizabeth Wieckowski, during which clarification of the species of metal complex and alkyl phosphate was discussed.

Applicant explained that in claim 3, the formula of the metal orthoester sets forth the species for examination. The election of the alkyl phosphate was clarified as being between the monoalkyl phosphate and dialkyl phosphate whose formulas are recited, *e.g.*, in claim 7.

Election of Species Requirement

The Examiner has required the election of the following species: i) polymer per claim 12, ii) metal complex and iii) alkyl phosphate.

i) Polymer

Applicant elects ketone-formaldehyde copolymer as the polymer species to be examined.

ii) Metal Complex

The metal complex species claimed is a metal orthoester having the formula metal(OR)_4 ; accordingly, Applicant elects this species for examination.

iii) Alkyl Phosphate

Applicant has amended claims 7, 20, 32, 45 and 57 to recite that the “alkyl phosphate is a monoalkyl phosphate ... and a dialkylphosphate phosphate ...”. Since both of these alkyl phosphate species are recited, no election between these species is required.

Claims 1-62 encompass the elected species of ketone-formaldehyde copolymer, metal orthoester having the formula metal(OR)_4 , and monoalkyl phosphate and dialkyl phosphate.

Upon the allowance of a generic claim(s), Applicant expressly reserves the right to have considered claims to additional non-elected species which depend from or otherwise require all the limitations of the allowable generic claim(s).

Conclusion

It is believed that no fee, other than the required fee for a one-month extension of time, is required with the submission of this Amendment and Response to Election of Species Requirement. However, if any additional fee is due, the Director is hereby authorized to charge any additional deficiencies or credit any overpayments to Deposit Account No. 50-0540.

Respectfully submitted,

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